

ATTACHMENT C
TO DECLARATION OF STEPHEN DUNIFER

RADIO RESISTOR'S BULLETIN

Issue #13, Winter 1996

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"There are virtually no 'public airwaves' and the new communications bill... will seek to eliminate by money, power and control, local programming and allow the vertical and horizontal joint ventures and conglomerates to rule all airwaves, programming, production and distribution of information.... This is censorship by controlling all the avenues from creation to distribution."

Chris Lunn, Victory Review, October, 1995

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Excellent Radio!

Community embraces micro station.

By David Ciaffardini

Excellent Radio 88.9 FM has been broadcasting throughout a five-city area every day for six months without a license from the Federal Communication Commission. But don't refer to the station as "pirate radio." Although romantic notions may be attached to the pirate term, Excellent Radio personnel consider it derogatory and counter to their broadcasting mission.

The volunteers who keep Excellent Radio on the air don't consider themselves rebels of the airwaves, have never operated in a clandestine manner and have no interest in using the airwaves to rape, pillage or rob. They ask that their station be identified simply as a non-commercial micro-power radio station that offers a valuable, positive service to the community it operates in. Indeed, people living along California's Central Coast welcome Excellent Radio broadcasts into their homes. Women and children smile and wave when they stroll by the station's storefront broadcast studio or step inside to pick up free bookmarks and bumper stickers displaying the station's splashy 88.9 FM logo. Station visitors would be disappointed if they expected to find station volunteers preaching anarchy on the airwaves and waving a black flag emblazoned with a skull and cross bones.

Although stiff-lipped federal authorities may consider the station's operators to be scofflaws, the station's happy, constructive approach to liberating the airwaves has earned it incredible support from local politicians, bureaucrats, business owners and a legion of listeners from all walks of life who are

among the station's more than 50,000 potential listeners. City government officials not only tolerate the unlicensed station, they applaud its efforts, going so far as buying city equipment which allows the station to broadcast city council meetings and other public hearings live from city hall on a regular basis. The homeless, poor and disenfranchised also celebrate the station's efforts, realizing it offers them a public voice while they are ignored by other media outlets.

The high-visibility and community support achieved by Excellent Radio may be unique among micro-power broadcasters. Excellent Radio founders say they've developed the station to be a paradigm for people in other cities to emulate if they desire a pragmatic, inexpensive and entertaining device to piece together fragmented communities and prepare and inspire citizen participation to create solutions to individual and collective problems.

Since March 1995 Excellent Radio has been broadcasting at least nine hours a day every day for six months from a highly visible storefront along the main thoroughfare in Grover Beach, California. The station broadcasts from a small space in the building provided by Charley Goodman, a local retailer who, in 1992, set aside a portion of his store space to house the Excellent Center for Art and Culture, a not-for-profit cultural center and art gallery. According to Goodman, a pioneering micro-power radio station was a natural extension of the culturally enriching work begun earlier at the center. The station began as part of a community art project entitled "Father of Lies v. Mother of Invention (necessity)--humanity@risk," a multi-media exhibit that explored and commented on the tendency of mass media to distort truth thereby fostering a desperate need for grass roots efforts to provide accurate information and empower people to solve their own problems.

The Excellent Radio broadcasting studio takes up an 8 x 10 foot space, just enough room for a few tables and chairs, an audio mixing board, and various home audio components, plus a wall full of posters and bulletins. The transmitter, purchased in kit form from Free Radio Berkeley and the Radio Shack power pack that energizes it are easily over-looked, together being about the size of a loaf of bread and placed inconspicuously in a corner underneath a table. A black coaxial cable exits through a small hole in the wall, leading to a roof-top 20-foot mast that sports a small, second hand antenna scavenged from commercial radio discards. It has not been necessary to sound proof the studio. The small amount of ambient noise that spills into the microphones is

considered an asset rather than a problem as it increases the grass-root, street-level broad-casting atmosphere desired. A similar set up could be put in nearly any store without interfering with business activity in other parts of the building.

The station's doors remain unlocked from noon to five p.m. every day and listeners are invited to visit the station to witness the inner-workings of the station. Visitors' ideas, news, views and announce-ments are welcome and Excellent Radio provides

several ways for them to be shared over the airwaves. Visitors may speak over the microphone during visits, they can call in by phone and talk over the air, or one of the on-air hosts can read aloud written announcements received by mail, or over the station's fax line. The station has a Macintosh computer able to accept E-mail and other forms of on-line information that can be down-loaded by on-air hosts and shared with listeners. Every Saturday, listeners of any age are invited to stop by for free, impromptu broadcasting lessons with the opportunity to spin records and compact discs and talk live on the microphone -- no experience necessary.

Excellent Radio currently broadcasts about 70 hours per week, with the broadcast day beginning at noon on weekdays and 9 a.m. on weekends. Most days broadcasting lasts until 10 PM, some shows go later. About three quarters of the programming is devoted to music, featuring a wide range of free-form and specialty music programs including shows devoted to rock, reggae, blues, jazz, R&B, world musics, along with free-form music programs that are in theory open to any kind of music imaginable, but are always supposed to remain a distinct alternative from music programs offered by any of the 20 licensed commercial and non-commercial stations in the region.

The remaining portion of the broadcast days are devoted to community affairs programming. Weekdays from 6 to 8 p.m. the station broadcasts live in-studio community forums featuring local experts and concerned citizens discussing various local issues. Using a Gentner Microtel telephone interface (about \$250) the station can take phone calls and patch them over the air, allowing listeners to take an active part in the discussions. Faxed input is also welcomed. Excellent Radio encourages a "salon" type equality in the studio, creating an atmosphere where everyone's opinions are given equal respect despite differences in participant's education, wealth, or ethnic background.

Topics of discussion featured on the community affairs

shows have included veterans affairs, nutrition, local environmental problems, public education, voter registration, health care, juvenile delinquency, and the rights of skateboarders. Unlike syndicated talk shows, station personnel try to down-play or avoid partisanship, scapegoating, fear-mongering, and casting blame. Instead, they try to focus discussion toward establishing positive solutions to community problems by promoting compassion, understanding and consensus among people with opposing viewpoints and varying backgrounds.

To fill out the community affairs programming when there has not been time to set up a live program, the station broadcasts prerecorded programs from various sources including David Barsamian's outstanding Alternative Radio series, the Making Contact series, and tapes from She Who Remembers. The station also draws programming from many sources that other stations overlook or ignore such as the public library where all kinds of spoken word audio cassettes are available to borrow and broadcast. A video cassette player patched into the mixing board facilitates broadcasting audio portions of video documentaries and lectures, many of which can be entertaining, informative and effective as radio broadcasts.

At least twice a month the station broadcasts city council meetings patched in live over the phone lines from city hall. Plans are being made to broadcast other local government public hearings. The station also provides live broadcasts of monthly poetry readings and acoustic music concerts that take place in the cultural center. Various nationally known musicians have also been interviewed live on the station.

Excellent Radio volunteers consider themselves freedom advocates, helping liberate the airwaves for everyone in America by planting seeds they hope will grow into legally sanctioned micro-power community broadcasting. They believe that a forthright, above-board, non-confrontational, positive, broadcasting approach is a healthy route to follow demonstrating micro-power radio's community enhancing benefits. This way they hope to legitimize micro-power broadcasting in the minds of government regulators and the public in general. They believe they're helping pave the way for changes in government regulations that will allow the birth of thousands of non-commercial micro-power stations throughout the United States.

Goodman and other station volunteers say they have deep admiration and gratitude for the courageous efforts of Springfield,

Illinois, micro-power broadcaster M'Banna Kantako, whose unyielding efforts in the face of FCC threats they credit as vital inspiration for their own work. However, unlike M'Banna Kantako, the volunteers at Excellent Radio are not opposed, in theory, to licensing procedures for micro-power broadcasters, as long as licensing fees are inexpensive and the requirements don't restrict program content and are designed to allow as many broadcasters access to the airwaves as technically possible. Goodman and others at the station believe that a simplified, streamlined licensing system, similar to registering motor vehicles and licensing drivers, is acceptable and preferable to advocating absolute anarchy on the airwaves.

Excellent Radio volunteers also credit their survival and success to the pioneering work of Stephen Dunifer's Free Radio Berkeley and his legal defense provided by the National Lawyers Guild mounted in response to a civil suit brought by the FCC. When a Federal Court Judge ruling in the case in January 1995 refused to grant a preliminary injunction to the FCC, thereby preventing, at least temporarily, the government agency from shutting down Free Radio Berkeley, it signaled to Goodman and others that it was time to create Excellent Radio. Subsequently, in April, the FCC sent a letter to Goodman warning him that operating an unlicensed station could subject him to penalties of a year in jail and a \$100,000 fine. On the station's behalf, National Lawyers Guild attorney Alan Korn replied, officially requesting a waiver from current FCC regulations until a procedure allowing the licensing of micro-power (under 100 watts) stations is established.

The letter explains that operators of Excellent Radio do not wish to intentionally violate FCC regulations, but that current rules prevent them from legitimately communicating through micro-power broadcasting. Granting such a waiver, Korn states, would be in the public interest, particularly in light of the strong support the station's broadcasts have received. The letter states that Excellent Radio operators have no objection to the FCC monitoring its broadcasts to ensure the station doesn't interfere with other stations. The letter also states the station is willing to accept FCC rules providing for "some form of authorized, secondary non-interference basis for broadcasting with advance notice to the FCC." The letter goes on to state that the station's operators "like most citizens, simply cannot comply with the Commission's present licensing scheme which requires a minimum of tens of thousands of dollars to purchase, license and

operate a mega-watt commercial or 'educational' broadcast station."

Excellent Radio bases its request for a waiver, in part, on the station's strong community support. This support did not spring miraculously from a vacuum as soon as the radio station began broadcasting. It grew from many years of community involvement by key figures involved with the station's launch. Goodman's operating the not-for-profit Excellent Center for Art and Culture for three and a half years, providing a venue for dozens of non-profit art and cultural exhibitions and programs, created a substantial track record of community involvement and support, earning himself and others involved respect and praise from community members grateful for the cultural enrichment their work has provided their community.

In addition, Goodman and several of the station's volunteer programmers and behind-the-scenes personnel have lengthy track records working on air and behind the scenes at various licensed commercial and non-commercial radio stations in the region.

As far as gaining community support and listenership, more important than any name recognition that Excellent Radio volunteers offer, is the positive, persistent, and unpretentious direction the station has followed. The station has been on the air every day and constant attention has been given to maintain the best possible signal from limited equipment. It has been vital for the station to have access to a trained and experienced radio engineer to help build and adjust the radio transmitter kit, maintain and adjust the mixing board and antenna, and in other ways tune the system to assure the station gets the best possible signal without interfering with other broadcasters in the area.

At this state of micro-power broadcasting history, it is important to demonstrate to the public that micro-power stations can be run responsibly without interfering with other operations. In most cases it's crucial that would-be broadcasters have the help of a trained broadcasting engineer, even if it means having to pay for the service, according to Goodman. Having a good engineer around to help maintain a clear, consistent and non-interfering signal pleases listeners and creates valuable peace of mind, especially when there arises a need to justify a station's beneficial and benign existence to government authorities.

Which brings up the matter of finances. Although a main point of promoting micro-power broadcasting is to allow people on

the airwaves who otherwise could not afford it under current FCC regulations, Goodman said it is important to realize that any form of broadcasting will cost some money and that having a bit more money than one might originally plan for will make things go smoother and promote greater success. He recommends holding com-

munity garage sales and getting cash for re-cyclables as ways of rounding up extra micro-power broadcasting funds. Having extra money for promotional items such as bumper stickers and flyers helps establish a micro-power station as a viable, substantial part of the community with as much legitimacy as licensed radio stations. Having a little money to buy electronic processing devices to improve broadcasting quality, and to be able to buy extra microphones or a telephone interface (makes it easier to have talk shows) and be able to quickly repair or replace broken equipment without having to go off the air for extended periods of time, allows broadcasting consistency that will garner confidence and community support, making a station's unlicensed status virtually irrelevant as far as listeners are concerned.

In the case of Excellent Radio, Grover Beach city officials, when questioned whether they should be working with a yet-to-be-licensed station, decided their involvement didn't pose the city any liability. The licensing issue is a procedural matter between the FCC and the station and of no concern to the city, according to the Grover Beach city manager. When the matter was referred to the city attorney, he issued an opinion, stating that to deny Excellent Radio the opportunity to broadcast city council meetings and other public hearings might put the city in violation of the Brown Act, California's open meeting law.

The bottom line is that the vast majority of citizens are naturally inclined to support micro-power broadcasting efforts, unless the broadcaster in question is completely antagonistic to the community without allowing divergent viewpoints to be aired. About the only opponents of micro-power broadcasting are the owners and managers of licensed radio stations who fear that proliferation of micro-power radio will depress the market value of their broadcasting franchises. Otherwise, virtually everyone in every community, including politicians, bureaucrats and law enforcement officers, prefer to have more radio stations available for them to tune into. And because micro-power radio allows people greater access to the microphone side of the broadcasting equation, it is an intriguingly attractive concept to local politicians eager to engage the ear of their constituencies.

Excellent Radio has found it easy to charm even the rare individual inclined to dislike the station's music programming or viewpoints it airs. To win these critics over, according to Goodman, all one needs do is offer them a modicum of respect, and either offer them an opportunity to go on the air and share their viewpoint or offer them information and advice on how to set up their own micro-power station so they can pursue their own unique broadcasting vision. Any antagonism quickly evaporates as they realize that only a micro-power broadcaster would offer them such a benevolent and practical response.

Goodman and others at Excellent Radio 88.9 FM say they realize their approach to micro-power broadcasting may not be appropriate or desirable to everyone who intends to broadcast without an FCC license, but they believe their approach is a model worth considering for all those who want to establish a long-standing, community supported station that will win over people's hearts and minds and pave the way for a new era of communication history -- a future when micro-power broadcasting is not only welcomed by the citizens of this country, but is unquestionably supported and protected by the laws of federal, state and local governments.

For more information contact Excellent Radio 88.9 FM,
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ATTACHMENT D
TO DECLARATION OF STEPHEN DUNIFER

Our community is located in an extremely rural and mountainous part of Washington State more than three hours from any major metropolitan area. As such we live in a black hole (i.e. area of poor or no reception) of FM radio. We can sometimes receive a couple of the super high power stations, but of course their programming -- other than music -- is of little or not interest to our residents (6,000 total in the county, ~3,000 within reach of our microstation).

A community radio station here isn't just an expression of freedom of speech it is an integral part of the local communications infrastructure (i.e. local public service announcements, local emergency broadcasting, local advertising). Our primary motivation for becoming microcasters is to serve our local community which otherwise would have no local programming. Our situation is not quite the same as a microcaster in a large metropolitan area although the end result is the same -- the FCC making us "criminals" by not providing an appropriate license class and fees.

Before considering constructing a microcasting station we examined the alternatives. First was a legitimate license. Of course the first blaring problem was that the minimum initial fixed cost was going to be more than \$50,000. How were we to recover such a cost where the total number of potential listeners in the summer could never get much above 6,000. Our second alternative was to get a repeater from the nearest public radio station -- no local broadcasting per se, but at least something (NPR, CPB).

The public radio station we contacted said great we'll help. You find \$25,000 and we'll get started. We'll even help you apply for a grant (grin).

As far as we could tell the FCC rule making was obviously written with the "big city" in mind (typical of most federal government rule making). In our locale there is quite a range of FM frequencies one could pick and not interfere with a licensed station.

Other than operating without a FCC license we are totally above board and legitimate. We are registered as a corporation with the WA Sec. of State, we have a board of directors, we pay our taxes, we monitor our signal for spurious emissions, and we operate completely in the open (i.e. nearly 24 hours a day, from a fixed location, with a phone, and an address). We even have people becoming subscribers like the regular public radio stations do.

We have been able to get on the air for about \$5,000. We hope with local advertising and subscribers we can get the station to cover our initial investment and pay for itself. Given the small potential listening audience, we are obviously microcasting to provide a community service and not to make money. Sure we are not able to be as "professional" as a regular licensed commercial station, but the response from the community has been very receptive and encouraging, and they are showing it not only by their comments but also through a great number of donations of time, money, and materials to the station. Surely this should indicate to the FCC that not licensing micropower (<100 watt) stations is denying communities access to a needed public service at least with regards to rural communities of the US.

**ATTACHMENT E
TO DECLARATION OF STEPHEN DUNIFER**

Date: Tue, 5 Dec 1995 14:52:58 -0800 (PST)
From: Stephen Dunifer <frbspd@crl.com>
To: hiken@igc.apc.org, lazlo@igc.apc.org, pfranck@igc.apc.org,
alankorn@igc.apc.org
Subject: 1,000 community radio licences in Colombia (fwd)
Mime-Version: 1.0

----- Forwarded message -----

Date: Tue, 5 Dec 1995 15:40:21 -0500
From: Bruce Girard <bgirard@ecnet.ec>
To: Multiple recipients of list <devmedia@ccshst06.cs.uoguelph.ca>
Subject: 1,000 community radio licences in Colombia

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COMMUNIQUE # 4 - 47
4 December 1995

International Freedom of Expression eXchange Clearing House

COLOMBIA: GOVERNMENT GRANTS 1,000 COMMUNITY RADIO LICENSES

The Colombian Ministry of Communications announced in September that it is granting 1,000 licenses to community radio stations, according to "InterRadio", the newsletter (Vol. 7, No. 2) of the World Association of Community Radio Broadcasters (AMARC). Maria Victoria Polanco writes that the licenses are to be issued as a result of the law on community broadcasting that was passed in August. The move is also a product of "the country's growing community radio movement, which began over ten years ago." AMARC says the stations were to be chosen through suggestions by Colombian organizations. The stations are to broadcast on the FM band with up to 250 watts of power and are permitted to broadcast 24 hours a day, with up to 15 minutes an hour of commercial advertising. Non-profit groups must operate community radio frequencies, which are granted for ten-year periods. Polanco writes, "This development represents an important achievement for both the Colombian community radio movement and the country's communication policy."

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**ATTACHMENT F
TO DECLARATION OF STEPHEN DUNIFER**

By Robert W. McChesney

(Reprinted with permission from In These Times, July 10, 1995)

On June 15, the U.S. Senate overwhelmingly passed a new telecommunications bill that would deregulate the telephone, cable TV and broadcasting industries. The House is expected to pass a similar bill this summer, and the President has indicated that he will sign it.

The new legislation addresses the digital revolution in communications technology -- which has blurred the distinctions between old industries such as telephone and cable, and led to the creation of entirely new industries like online computer services. Since this bill will shape what the New York Times calls "the \$700 billion data highway," it may well be the most important piece of communications legislation since the Federal Communications Act of 1934, and it is probably one of the most important laws passed by Congress in decades.

You might think, therefore, that this legislation would have been carefully debated during lengthy hearings in which public interest groups were represented. But the brief hearings on the bill were dominated by business lobbyists, who actually wrote whole sections of the Senate measure behind the scenes. Organized consumer groups -- who never challenged the corporate control of communications, but merely wanted certain regulations retained -- were shut out of the process entirely. As Brad Stillman, a representative for the Consumer Federation of America, put it, "If you look at this legislation, there is something for absolutely everybody -- except the consumer."

Communications policy making has been largely impervious to public influence since the passage of the 1934 Federal Communications Act, which ensured that private corporations would dominate American telecommunications. Supporters of the 1934 law insisted that the public interest could best be served by companies primarily interested in making a profit. But by relegating noncommercial broadcasters to the margins of the U.S. airwaves, the legislation of 1934 seriously distorted America's media and tragically affected the quality of our political culture.

Today, however, spectacular new technologies hold the promise of revitalizing communications in the United States. Perhaps the most dramatic development has been the rise of the Internet and online computer services. The Internet has permitted mass interactive communication and has given millions of users relatively cheap access to information at lightening speed. Undoubtedly, much of the hype surrounding the information superhighway is just that -- hype. Nevertheless, a democratically designed communications network -- one that attempted to make a wide variety of information available to the largest number of citizens -- could have an enormous and positive impact on politics, education and culture. A revitalized public debate concerning how best to establish a viable communications system in the public interest is long overdue. If this is an issue unworthy of public participation, then one must wonder what the purpose of democracy is.

But the debate in Congress over the future of telecommunications policy has disregarded issues of democracy and fairness. Lawmakers have focused instead on gutting regulations that impeded the profitability of companies seeking to develop new communications technologies. And so, the current legislative process has been guided by the same assumptions that led to the disastrous Communications Act of 1934: namely, that competition among corporations in the marketplace will provide the most efficient and democratic communications system.

The tightening oligarchy of telecommunications companies that arose in the wake of the 1934 law shows how misguided that assumption was. And there is no reason to believe that a new law based on the same logic will be any more viable as a guide to opening up the digital frontier. As one former Microsoft executive warned, "The information highway is too important to be left to the private companies." Our society must determine who will control the new technologies and for what purpose. Of course, in determining this question, we also dictate who will not control this technology and what purposes will not be privileged. Consider the history of the Communications Act of 1934 -- a case study in how the public interest can be sacrificed in badly managed debates over cynically conceived communications law.

The current communications revolution closely parallels that of the 1920's, when the emergence of radio broadcasting forced society to address the same political questions. Radio broadcasting was then radically new, and there was great confusion

throughout the '20's concerning who should control this powerful new technology and for what purposes. Much of the impetus for radio broadcasting came first from early ham operators and then from non-profit and noncommercial groups that immediately grasped the public service potential of the new technology. It was only in the late '20s that capitalists began to sense that, by selling advertising and building national chains of stations, commercial radio could generate substantial profits. The capitalists moved quickly, however.

In the wake of a 1926 Supreme Court ruling that revoked all broadcast licenses, Congress hastily drafted a bill creating a new regulatory authority known as the Federal Radio commission (the predecessor of today's Federal Radio commission). Through their immense power in Washington, D.C., the commercial broadcasters were able to dominate the federal Radio commission so that the scarce number of channels were turned over to them with no public and little Congressional deliberation.

As the commercial networks began growing rapidly in the late '20s, a diverse broadcast reform movement attempted to establish a dominant role for the nonprofit and noncommercial sector in U.S. broadcasting. These opponents of commercialism -- including religious groups, labor unions, educational organizations and women's groups -- appealed to the public by tapping into the widespread disgust with the early advertisements on radio. "If (advertisers) are allowed to continue for another ten years," writer Upton Sinclair warned in 1931, "we shall have the most debased and vulgarized people in the world." The reformers maintained that if private interests controlled the medium, no amount of regulation or self-regulation could overcome the profit bias built into the system. commercial broadcasting, the reformers argued, would downplay controversial and provocative public affairs programming and emphasize whatever fare would sell the most products for advertisers. They looked to Canada and Britain for workable models of public-service broadcasting.

But the reform movement disintegrated after the passage of the Communications Act of 1934, which established the FCC and remains the reigning statute for telecommunications in the United States. The radio lobby -- with a sophisticated public relations campaign and support from other news media -- won because it was able to keep most Americans ignorant or confused about communications policy. In addition commercial broadcasters became a force that few politicians wished to antagonize; almost all of the

congressional leaders who pushed for broadcast reform in 1931-32 were defeated in the 1932 elections, a lesson not lost on those who replaced them. With the defeat of the reformers, the industry argument that commercial broadcasting was inherently democratic and American went unchallenged.

In the case of television, congress and the FCC determined in the 1934 law and in later decisions that a few enormous corporations would control the medium for the purpose of maximizing profits. This decision put the development of television on a path far different from that followed in many European countries, where noncommercial broadcasters have been able to pursue interests beyond profit. the effects of this choice have been ruinous for public debate in America. Today, the idea that private, for-profit broadcasting is synonymous with democracy in an unexamined tenet of our political culture.

Since 1934, the only politically acceptable criticism of U.S. broadcasting -- and more broadly, American telecommunications -- has been to assert that it is uncompetitive and therefore needs more aggressive regulation. Liberals have argued that a scarce number of channels mandate aggressive regulation -- not that capitalist basis of the industry is fundamentally flawed. This is a far cry from the criticism of the broadcast reformers of the 1930s.

Now, with the current communications revolution vastly expanding the number of channels, the scarcity argument has lost its power. Liberals thus find themselves unable to challenge the deregulatory juggernaut. Contemporary public-service advocates would be wise to study the 1930's reformers to find a critique of commercial communication based not on the lack of competition, but on the very workings of the market, regardless of the amount of competition or the number of channels that technology may provide. This is the only type of public-service criticism that can hold any water in the digital era.

Because our society takes it for granted that private corporations rightfully dominate American communication, there has been little discussion questioning whether the information highway should be turned over to for-profit companies. Consequently, the mainstream press -- accepting the primacy of corporate control and the profit motive -- considers only which firms will dominate the communications revolution, and which firms will fall by the wayside.

The current range of legitimate debate is distressingly narrow. It starts with the Senate Commerce Committee Chairman Larry

Pressler, author of the Senate's deregulatory bill, who argues that profits are synonymous with public service. And it extends to Vice-President Al Gore, the proponent of 1993's tougher cable TV regulations, who accepts that there are some public interest concerns the marketplace cannot resolve, but insists that those concerns can be addressed only after the profitability of the dominant corporate sector has been assured. The Gore position can be dressed up to sound high and mighty, but the historical record is clear. If the needs of corporations are given primacy, the public interest will invariably be pushed to the margins.

Politicians may favor one sector over another in the battle to cash in on the information superhighway, but they cannot oppose the cashing-in process, except at the risk of their political careers. In the 1993-94 election cycle, political action committees linked to the telecommunications industry gave almost \$7 million to politicians from both parties, according to figures compiled by the Center for Responsive Politics. The only grounds for political courage in this case would be if there were an informed and mobilized citizenry ready to do battle for alternative policies. Of course, citizens get their information from the corporate news media, which stands to benefit from the pending legislation. That is why telecommunications reform has been covered as a business story, not as a public policy story, and that is why the critical congressional hearings have passed virtually without public notice. In short, this is a debate restricted to those with serious financial stakes in the outcome.

In place of this non-debate, we need to challenge the entire theory of market-ruled communications. Free enterprise advocates argue that the market provides the only truly democratic policymaking mechanism because it rewards capitalists who "give the people what they want" and penalizes those who do not. But the market is not predicated upon the idea of one-person, one vote as in democratic theory, but rather it is predicated upon the role of one-dollar, one vote. The prosperous have many votes and the poor have none. And the market does not "give the people what they want" as much as it "gives the people what they want within the range of what is most profitable to produce." This is often a far narrower range than what people might enjoy choosing from. Thus, when Congress drafted broadcast legislation in the '30's, many Americans may have been willing to pay for an advertising-free system, but this choice was not profitable for the dominant commercial interests, so it was not offered on the marketplace.

Is the current legislative situation therefore hopeless? Unfortunately, the immediate answer is an unequivocal yes. Some public-interest advocates have made thoughtful arguments for non-commercial interests to prevail on the communications highway. After all, it seems downright irrational to turn over control of the society's central nervous system to a handful of transnational corporations guided strictly by profit. But this argument is now more marginal than ever.

At the same time, the sheer magnitude of the possibilities brought on by the new technologies will allow nonprofit niches to survive and perhaps even prosper in the regime of corporate domination. As long as the communications corporations continue to battle for control over the new markets, nonprofits may be able to exploit opportunities that will not exist once the industry has stabilized. In the late '20's and early '30's, for example -- before the radio networks had consolidated legal control over the airwaves -- civic groups were able to establish quite a bit of educational programming on the commercial stations. The networks, sensitive to charges that they cared only for profit, hoped to convince lawmakers of their benevolence by giving away airtime. Of course, soon after the 1934 law was passed, the commercial stations slashed their educational programming. Perhaps today, as a TCI or Bell Atlantic attempts to convince America of its good intentions, some noncommercial group may be given free access to the information superhighway. Unfortunately, there is every reason to believe that today's nonprofits will fare just as poorly as yesterday's educators once the digital frontier has been tamed.

In some ways, the emergence of the new technologies could not have come at a more inopportune moment. In the 1930's an impressive array of civic organizations was willing to argue that it was inappropriate for communications media to be directed by the profit motive -- back then even blue-blood Republicans questioned whether for-profit firms should dominate communications. Today, few Democrats would question the natural right of the private sector to dominate the information superhighway. We live in an era in which the very notion of public service has become discredited unless as a function of noblesse oblige. It thus should be no surprise that the private sector, with its immense resources, has seized the initiative and is commercializing cyberspace at a spectacular rate -- effectively transforming it into a giant shopping mall.

The contours of the emerging communications battle are still

unclear, but most business observers expect a flurry of competition followed by the establishment of a stable oligopoly dominated by a handful of enormous firms. What is clear is that the communications highway will not be devoted to reducing inequality or misery in our society. In fact, without any policies to counteract the market, the new technologies will probably create a world of information haves and have-nots, thereby exacerbating our society's already considerable social and economic inequality.

Nowhere is the absurdity of a profit-driven society more clear than in the case of communications, where technologies with the capacity to liberate are being constrained by the need to generate profit for corporate masters. In this sense, the battle to create a nonprofit and noncommercial communications system will be -- and must be -- part and parcel of progressive efforts to create a more just society.

Robert W. McChesney teaches journalism at the University of Wisconsin-Madison. His book "Telecommunications, Mass Media and Democracy: The battle for the Control of U.S. Broadcasting, 1928-1935," (Oxford, 1993) is now available in paperback.

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EXHIBIT B



GOVERNMENT OF CANADA
DEPARTMENT OF COMMUNICATIONS

GOUVERNEMENT DU CANADA
MINISTÈRE DES COMMUNICATIONS

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ISSUE 1
PROVISIONAL

BROADCAST PROCEDURE

REQUIREMENTS FOR THE
ESTABLISHMENT OF VERY LOW
POWER TV (VLPTV) AND FM
(VLPFM) BROADCASTING
TRANSMITTING STATIONS IN
SMALL REMOTE COMMUNITIES

EFFECTIVE DATE: 14 OCT. 1978

PR 15
1^{ère} ÉDITION
PROVISOIRE

PROCÉDURE SUR LA RADIODIFFUSION

EXIGENCES RELATIVES À
L'ÉTABLISSEMENT DE STATIONS
DE RADIODIFFUSION
TÉLÉVISUELLE ET MF DE
TRÈS FAIBLE PUISSANCE
DANS LES PETITES LOCALITÉS
ÉLOIGNÉES

MISE EN VIGUEUR: 14 OCT. 1978

Requirements for the Establishment of Very Low

Power TV (VLPTV) and FM (VLPFM) Broadcasting

Transmitting Stations in Small Remote Communities

1. PURPOSE

- 1.1 This procedure outlines the requirements to be followed in applying for a Technical Construction and Operating Certificate for the establishment of TV and FM broadcasting transmitting stations, with transmitter power of one watt or less, in small remote communities, using TV or FM channels on an unprotected non-interfering basis.
- 1.2 This procedure applies only to those communities which are both (1) outside the major urban/suburban areas, and (2) which are remote in the sense of lacking access to a complete range of Canadian broadcasting services in English or French, including CBC, commercial, educational and community services.

2. LIMITING CONDITIONS

2.1 Power

The transmitter power for either TV or FM shall not exceed a maximum of 1 watt as defined for TV and FM in Telecommunications Regulation Circulars No. 53 and No. 54 respectively (Attachments A and B).

2.2 Antenna Parameters

The maximum antenna height above ground shall not exceed 30 metres (100 feet). The maximum gain of the antenna should not exceed 12 dB and the maximum to minimum field ratio should not exceed 20 dB.

2.3 Equipment

Recommended minimum technical standards for the transmitter are outlined in Telecommunications Regulation Circulars No. 53 and No. 54 for TV and FM respectively.

2.4 Informing the Public and Local Government Authorities

- 2.4.1 The applicant shall inform the elected government authorities of the local community, and the public to be served that:

- there may be limitations to the quality of signal provided, because of the nominal cost and limited capability of the equipment being employed;